

March 2009
Comments from
The National Association of Tower Erectors
to
the Federal Communications Commission
on
Public Notice of Inquiry on Rural Broadband Strategy:
GN Docket No. 09-29

I. Introduction

The National Association of Tower Erectors (NATE) is a non-profit organization serving as the unified voice of the tower erection, service, and maintenance industry. Formed in 1995 with 62 founding member companies, NATE is now comprised of approximately 575 member companies, representing thousands of employees who are ultimately responsible for the erection of the communications towers that serve as the support structures of the Rural Broadband Strategy.

NATE's mission is focused primarily on tower climber safety. The Association strongly urges the use of qualified contractors to ensure both safety and professionalism in the expansion of broadband to rural and underserved areas. I will elaborate further on this matter toward the end of my comments.

NATE has worked on a variety of issues with a number of federal agencies, including the Federal Communications Commission, the Occupational Safety and Health Administration, the National Institute for Occupational Safety and Health, the Department of Commerce, and the U.S. Fish and Wildlife Service, on policy and regulatory matters that affect the safety and effective operations of the tower erection industry nationwide. NATE representatives also have extensive experience in interacting with Members of Congress, congressional staff members, congressional committees and their staff in addition to professional relationships with a significant number of special interest groups.

NATE strongly supports the national goal of enhancing communications capabilities across the United States, including the expansion of broadband services to rural and hard-to-serve areas, which will promote the nation's competitiveness and economic well-being while advancing the security, health and safety of its citizens.

II. Overview

NATE has reviewed the Public Notice of Inquiry as well as both provisions in the 2008 Farm Bill that addressed the development of a comprehensive rural broadband strategy and the sections in Public Law 111-5, the American Recovery and Reinvestment Act, that will provide significant funding for the expansion of broadband coverage.

III. Comments on the “Public Notice of Inquiry on Rural Broadband Strategy: GN Docket No. 09-29”

At the outset, NATE would like to commend the Departments of Agriculture and Commerce, the Federal Communications Commission, and the National Telecommunications and Information Administration – as well as the United States Congress – for recognizing the urgency of upgrading the nation’s communications capabilities and the vital link between accelerating broadband deployment and stimulating the nation’s economy.

IV. Comments on the “American Recovery and Reinvestment Act”

While not technically within the scope of this public notice, it is nonetheless incumbent upon us to briefly comment on the provisions in ARRA which directly affect broadband and those who can facilitate its expansion.

We believe that it is entirely appropriate for the act to have authorized a significant amount of funding for broadband expansion efforts undertaken by such servers as wireless carriers, backhaul providers, and tower companies. The fact that so many of such “shovel-ready” projects offer immediate dividends both in the numbers of jobs created and the numbers of people and regions that will benefit from the expansion of broadband, unquestionably justify the funding.

To that end, we are most grateful for the leadership of PCIA – The Wireless Infrastructure Association on the various broadband initiatives.

We have conveyed to PCIA, and are emphasizing herein, our concerns about unconfirmed reports on possible limitations in eligibility for that funding. For example, we are aware of a suggestion that economic stimulus money should only be available to union businesses. While some might view such a provision as a sort of safeguard, we believe strongly that it would be anticompetitive, discriminatory, and contrary to the best interests of the country. First and foremost, the goal should be the responsible, efficient, and timely expansion of broadband, with the assurance that the work would be performed by experienced individuals and organizations, regardless of political views.

NATE is overwhelmingly composed of small, non-union companies, but, both individually and collectively, NATE company employees are widely recognized for their experience and ability to get the job done safely.

NATE members believe, that since the stimulus money should be helping to create or maintain jobs, the funding should be available to whoever is ready, willing, and able to work on shovel-ready projects.

Should such an unfair and shortsighted limitation in eligibility exist, we advocate its immediate elimination. At a minimum, however, we recommend an exemption for small businesses, since the vast majority of the broadband work will ultimately be undertaken by small businesses.

V. Conclusion

One of the goals upon which NATE was formed was the pursuit of safety for the men and women who make their living erecting, servicing and maintaining broadcast and telecommunications towers. NATE has diligently pursued this goal through facilitating training; the development of industry best practices, writing standards and providing education for its members.

NATE firmly believes that safety must be the preeminent consideration when conducting work on tower sites, and therefore strongly urges the Federal Communications Commission to require that only qualified contractors be allowed to perform work on the projects related to the expansion of broadband in rural and underserved areas as outlined in this inquiry. Attached to this document is the NATE Qualified Contractor Evaluation Checklist to help define the practices that should be expected of a qualified – and therefore professional – contractor. NATE strongly urges the use of this language as a requirement for any contractor who will be conducting communication tower work supported by federal funds.

Furthermore, NATE has partnered with the United States Occupational Safety and Health Administration to enhance tower climber safety. The second year of that Partnership is currently underway. NATE and OSHA have developed a site safety audit to ensure best practices for safety are being followed. That document is also attached. NATE again strongly urges the FCC to require that on the sites where funding from the economic stimulus package is being utilized, companies performing work adhere to this safety audit, or be directly involved in the NATE/OSHA Partnership,

The expansion of broadband communications will hopefully result in job creation for small businesses nationwide. NATE looks forward to this potential growth, but also emphasizes that tower climber safety must be a guiding factor in any such program. The use of qualified contractors and site safety audits will play a major role in ensuring the safety of the men and women in the tower industry.

Your consideration of these comments is greatly appreciated.

Patrick Howey
Executive Director
National Association of Tower Erectors

National Association of Tower Erectors



Checklist for Evaluating Qualified Contractors

Name of Contractor: _____

Contact Person for Contractor: _____

Title: _____

Address: _____

Telephone: _____

- ☐ The contractor has obtained insurance coverage appropriate for the scope of work, prior to commencing the work (e.g. worker's compensation; general liability; etc.). (*Attach Certificates of Insurance.*)
- ☐ The contractor has the necessary experience, references and capability to properly perform the specific job at hand.
- ☐ The contractor has a written safety program and agrees to conduct regular safety audits of its job sites by a competent person.
- ☐ The contractor agrees to provide a site-specific safety plan including rigging, structural and RF safety procedures, and fall protection requirements for this specific job.
- ☐ The contractor agrees there will be a competent and qualified person at the project site who will conduct daily safety audits.
- ☐ The contractor agrees to maintain written records of the safety audits for a period of at least one year.
- ☐ The contractor requires pre-employment physical agility or physical fitness tests to determine ability to perform job tasks.

CONTINUED ON NEXT PAGE ►

- ☐ The contractor conducts drug screening of employees for unlawful use of controlled substances.
- ☐ The contractor provides an orientation and awareness program for new hires prior to performance of any work.
- ☐ The contractor ensures that their tower climbers have been properly trained and understand OSHA regulations in the areas of fall protection and rescue.
- ☐ The contractor agrees to conduct a hazard assessment to determine the requirements for personal protective equipment, including fall protection.
- ☐ The contractor maintains written documentation of all training as required.
- ☐ If the contractor is required to maintain OSHA 300 logs, they have submitted those documents for the past two years. For those companies not required to keep OSHA 300 logs, they have provided the number of employees they have and a report on accidents they have sustained, including the nature, type and number of accidents for the past two years.
- ☐ The contractor agrees to notify the Company in writing if subcontractors are to be used prior to the use of such subcontractors.
- ☐ The contractor agrees that any subcontractors hired will be required to meet the same contractor requirements outlined in this document.
- ☐ The contractor agrees to adhere to the provisions of OSHA Directive CPL 2-1.36 if any personnel hoisting is to be conducted.
- ☐ The contractor agrees to maintain good housekeeping on the job site.

Individual Completing Questionnaire: _____
(Print Name)

Title: _____

Date: _____

This document will be kept on file in the Safety Manager's office.



Site Safety Audit Form

Company: _____ Date: _____

Site Location: _____

Name of Competent Person on Site: _____

Name of Person Conducting Audit: _____

Customer: _____

Type of Structure: ☐ Monopole ☐ SST ☐ Guyed ☐ Rooftop ☐ Water Tank ☐ Other _____

Scope of work: _____

PART 1: JOB SITE DOCUMENTATION

- | | |
|---|---|
| A. Was a Job Hazard Analysis conducted, form filled out and on site? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| B. Are the applicable safety signs posted? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| C. Is there a competent person on site? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| D. Is someone on site certified in First Aid / CPR / BBP? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| E. Has the emergency data form been filled out and posted? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| F. Has a site-specific emergency rescue plan been developed and documented? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| G. Is there a documented procedure for any overhead electrical hazards? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| H. Are MSDS's available for the material being used on site? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

PART 2: JOB SITE CONDITIONS (INCLUDE ENVIRONMENTALS)

- | | |
|---|---|
| A. Is the work site clean of trash? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| B. Are materials stored properly and orderly? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| C. Are measures taken to prevent access by unauthorized personnel to the site? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| D. Are areas barricaded as required? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| E. Is drinking water available? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| F. Are chemical, flammable and combustible liquids stored properly? (i.e., No plastic gas cans) | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| G. Are fire extinguishers of the appropriate size and type available, and with current inspection tags? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| H. Are plant and animal hazards addressed and documented? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

PART 3: PPE

- | | |
|--|---|
| A. Are employees wearing hard hats? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| B. Are employees wearing proper work boots? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| C. Are safety glasses being used? (if applicable) | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| D. Are employees wearing gloves? (if applicable) | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| E. Are employees dressed in appropriate work clothing? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| F. Is hearing protection being used? (if applicable) | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

PART 4: FALL PROTECTION EQUIPMENT

- A. Do employees that are exposed to falls, have documented training? ☐ Yes ☐ No ☐ N/A
- B. Is fall protection equipment being inspected daily and documented? ☐ Yes ☐ No ☐ N/A
- C. Are all fall protection equipment tags legible? ☐ Yes ☐ No ☐ N/A
- D. If the work being performed requires fall protection, is it being used 100%? ☐ Yes ☐ No ☐ N/A
- E. Is the proper equipment on the site to complete the task? ☐ Yes ☐ No ☐ N/A

PART 5: RF

- A. Have RF hazards been considered? (if applicable) ☐ Yes ☐ No ☐ N/A
- B. Is there a procedure in place to reduce the RF exposure within statutory limits? (if applicable) ☐ Yes ☐ No ☐ N/A

PART 6: HOISTS

- A. Are daily inspections being completed with documentation on site? ☐ Yes ☐ No ☐ N/A
- B. Is hoist operator qualified? (Certified through training or qualified through experience) ☐ Yes ☐ No ☐ N/A
- C. Are load charts posted and readily available to hoist operator? ☐ Yes ☐ No ☐ N/A
- D. Is there an operator's manual for the unit on site? ☐ Yes ☐ No ☐ N/A
- E. Are headache ball markings legible? ☐ Yes ☐ No ☐ N/A
- F. Is end connection properly secured? ☐ Yes ☐ No ☐ N/A
- G. Are all hoists secured and properly anchored for the load intended? ☐ Yes ☐ No ☐ N/A
- H. Are hoist controls clearly identified? ☐ Yes ☐ No ☐ N/A
- I. Are hoist controls easily accessible to the operator? ☐ Yes ☐ No ☐ N/A
- J. Is the hour meter operational and functioning properly? ☐ Yes ☐ No ☐ N/A
- K. Are two-way radios being tested daily, if being used? ☐ Yes ☐ No ☐ N/A
- L. Are all exposed moving parts properly guarded? ☐ Yes ☐ No ☐ N/A
- M. Is a hand signal chart posted and visible to all personnel on site? ☐ Yes ☐ No ☐ N/A

PART 7: PERSONNEL LIFTING

- A. Is the hoist approved for lifting personnel? ☐ Yes ☐ No ☐ N/A
- B. Has a pre-lift meeting been held, documented and made available on site? ☐ Yes ☐ No ☐ N/A
- C. In the pre-lift plan, was the trial lift completed and documented? ☐ Yes ☐ No ☐ N/A
- D. If a personnel platform is on site, does it have an identification plate with the proper data in place? (Proper data includes: weight of the platform, maximum intended load, and employee capacity) ☐ Yes ☐ No ☐ N/A
- E. If a gin pole is being used, does it have a load chart? ☐ Yes ☐ No ☐ N/A

PART 8: RIGGING & BLOCKS

- A. Are proper rigging practices being utilized? ☐ Yes ☐ No ☐ N/A
- B. Is rigging equipment in good condition? ☐ Yes ☐ No ☐ N/A
- C. Are the tags on synthetic slings legible? ☐ Yes ☐ No ☐ N/A
- D. Is rigging equipment being inspected daily and the inspection documented? ☐ Yes ☐ No ☐ N/A
- E. Are tag lines in good condition? ☐ Yes ☐ No ☐ N/A

PART 9: GIN POLES

- A. Is gin pole rigging in good condition? (If visible) ☐ Yes ☐ No ☐ N/A
- B. Does the gin pole have an identification tag? (If visible) ☐ Yes ☐ No ☐ N/A
- C. Is the gin pole pre-job inspection form filled out and on site or readily available? ☐ Yes ☐ No ☐ N/A
- D. Does the sheave in the rooster head match the wire rope? (If visible) ☐ Yes ☐ No ☐ N/A

PART 10: LADDERS

- A. Are units well maintained and in good working order? ☐ Yes ☐ No ☐ N/A
- B. Are ladders at the proper slope? (4:1 ratio) ☐ Yes ☐ No ☐ N/A
- C. Does the ladder extend 36 inches past the landing? ☐ Yes ☐ No ☐ N/A
- D. Is the ladder stable, on good ground? ☐ Yes ☐ No ☐ N/A
- E. Is the ladder set up correctly? ☐ Yes ☐ No ☐ N/A

PART 11: COMMENTS

[illegible]

Supervisor Signature _____ Date _____

DIRECTOR DEFICIENCY COMPLIANCE REPORT

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

ITEM # _____ Compliance Completed By: _____ Date: _____

Noted Deficiency: _____

Course of Action: _____

By submitting this form to the NATE office the auditing official affirms that all deficiencies have been brought into compliance, and the company President, Senior Officer or Director confirms these audits to be true and correct to the best of their knowledge.

(Auditing Official's Signature) Date: _____

(Company President, Senior Officer or Director's Signature) Date: _____

NATE/OSHA Partnership

National Association of Tower Erectors
8 Second Street SE • Watertown, South Dakota 57201-3624
Tel: 605-882-5865 or 888-882-5865 (U.S.) • Fax: 605-886-5184
Email: nate@natehome.com • Website: www.natehome.com